

**Article 18. Environmental Monitoring of Air and Soil-Pore Gas for Interim Status Facilities****§66265.710. Applicability to Interim Status Facilities.**

(a) Sections 66265.710 through 66265.714 of this chapter apply to owners or operators of interim status facilities that treat, store, recycle or dispose of hazardous waste in a surface impoundment, waste pile, land treatment unit or landfill (hereinafter referred to as a regulated unit), except as section 66265.1 and subsection (b) of this section provide otherwise. The owner or operator of a regulated unit that receives hazardous waste after February 2, 1985 shall install, operate and maintain an environmental monitoring system which meets the requirements of section 66265.711 and shall comply with sections 66265.712 through 66265.714. This environmental monitoring program shall be carried out during the active life of the regulated unit, and for units where hazardous waste will remain after closure, during the post-closure care period as well.

(b) All or part of the environmental monitoring requirements of this article shall be waived if the owner or operator demonstrates to the satisfaction of the Department that hazardous waste will not migrate from the regulated unit during the active life of the unit (including the closure period) and the post-closure care period and that any waste remaining in the unit does not pose a threat to human health and the environment. These demonstrations shall be in writing, and shall be kept at the facility. The demonstration that gas, vapor or airborne solids will not migrate shall be certified by an independent, qualified chemical engineer. The demonstration that liquid will not migrate shall be certified by an independent, certified engineering geologist or professional civil engineer registered in California and shall establish the following:

- (1) the potential for migration of hazardous waste or hazardous waste constituents from the regulated unit via transport through soil, water or air;
- (2) the potential for migration of hazardous waste or hazardous waste constituents from the regulated unit to ground water, by an evaluation of:
  - (A) a water balance of precipitation, evapotranspiration, runoff and infiltration;
  - (B) unsaturated zone characteristics (i.e., geologic materials, physical properties and depth to ground water).

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Sections 25150(a), 25159, 25159.5 and 25245, Health and Safety Code.

**HISTORY**

- 1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

**§66265.711. Environmental Monitoring System for Interim Status Facilities.**

The owner or operator of a regulated unit that contains hazardous waste, or discarded hazardous material, that contains a volatile toxic substance, or a hazardous material that can become airborne, or that can decompose or react to form a volatile toxic substance or toxic gas, shall provide for representative sampling and analysis of air upwind and at the disposal area and of air in the vapor space at vapor and gas monitoring wells, established by the owner or operator to the satisfaction of the Department. Such monitoring shall be conducted throughout the active life and the post-closure care period of the facility. Vapor and gas monitoring wells shall be covered with collection chambers. The owner or operator shall provide inside the collection chambers probes or equivalent methodologies that actively sense the concentration of substances specified pursuant to section 66265.712(b). If necessary to protect human health or the environment, the owner or operator shall provide instrumentation that provides continuous recording of concentrations of substances in open air and in atmosphere at vapor wells.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Sections 25150(a), 25159, 25159.5 and 25245, Health and Safety Code.

**HISTORY**

- 1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

**§66265.712. Sampling and Analysis for Interim Status Facilities.**

(a) The owner or operator shall develop and follow an environmental sampling and analysis plan that satisfies the requirements of this article. The owner or operator shall submit this plan to the Department within 90 days of July 1, 1991. The owner or operator shall submit all modifications to the environmental sampling and analysis plan to the Department and shall maintain an updated version of the environmental sampling and analysis plan in the operating record at the facility. The Department shall require the owner or operator to modify the environmental sampling and analysis plan as necessary to protect human health or the environment.

(b) Samples will be analyzed for those substances specified in the environmental sampling and analysis plan. Unless the Department approves an alternate list of monitoring parameters, the owner or operator shall analyze the samples to determine the concentration of all constituents that cause waste at the regulated unit to be hazardous waste. The owner or operator shall specify for the regulated unit the location and frequency of monitoring and the type of statistical test that will be used. The owner or operator shall submit a report to the Department that indicates the results of the analysis and the concentrations of constituents in the air and soil-pore gas sampled. The report shall be submitted to the Department within 30 days of the date and time analyses are completed.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Sections 25150(a), 25159,

25159.5 and 25245, Health and Safety Code.

#### HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

### **§66265.713. Preparation, Evaluation and Response for Interim Status Facilities.**

(a) Within one year after July 1, 1991, the owner or operator shall prepare a comprehensive environmental monitoring program capable of determining:

(1) whether hazardous waste or hazardous waste constituents have migrated from the facility in air or in soil-pore gas;

(2) the rate and extent of migration of hazardous waste or hazardous waste constituents in air and in soil-pore gas;

(3) the concentrations of hazardous waste or hazardous waste constituents in air and in soil-pore gas.

(b) If the owner or operator determines through the environmental monitoring pursuant to subsection (a) of this section, that hazardous waste or hazardous waste constituents have migrated from the regulated unit through air or soil-pore gas, the owner or operator shall, within 15 days of such determination, develop and submit to the Department a specific plan, certified by a qualified certified engineering geologist or qualified geologist or geotechnical engineer or civil engineer registered in California, for an environmental quality assessment program at the facility.

(c) The plan to be submitted under subsection (b) of this section shall specify:

(1) the number, location and depth of sampling stations;

(2) sampling and analytical methods for those hazardous wastes or hazardous waste constituents in the regulated unit;

(3) evaluation procedures, including any use of previously gathered information on the chemical characteristics of soil, soil-pore gas, and air;

(4) a schedule of implementation.

(d) The owner or operator shall implement the environmental quality assessment plan which satisfies the requirements of subsection (c) of this section and, at a minimum, determine:

(1) the rate and extent of migration of the hazardous waste or hazardous waste constituents in air or in soil-pore gas;

(2) the concentrations of the hazardous waste or hazardous waste constituents in air and in soil-pore gas.

(e) The owner or operator shall make the first determination under subsection (d) of this section as soon as technically feasible and, within 15 days after that determination, submit to the Department a written report containing an assessment of the environmental quality.

(f) If the owner or operator determines to the satisfaction of the Department, based on the results of the first determination under subsection (d) of this section, that no hazardous waste or hazardous waste constituents have migrated from the regulated unit, then the owner or operator may reinstate the indicator evaluation program described in section 66265.712. If the owner or operator reinstates the indicator evaluation program, the owner or operator shall so notify the Department in the report submitted under subsection (e) of this section.

(g) If the owner or operator determines, based on the first determination under subsection (d) of this section, that hazardous waste or hazardous waste constituents have migrated from the facility, then the owner or operator:

(1) shall continue to make the determinations required under subsection (d) of this section on a quarterly basis until final closure of the facility, if the environmental quality assessment plan was implemented prior to final closure of the facility; or

(2) may cease to make the determinations required under subsection (d) of this section, if the environmental quality assessment plan was implemented during the post-closure care period.

(h) Notwithstanding any other provision of this article, any environmental quality assessment to satisfy the requirements of section 66265.713(d) which is initiated prior to final closure of the facility shall be completed and reported in accordance with section 66265.713(e).

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Sections 25150(a), 25159, 25159.5 and 25245, Health and Safety Code.

#### HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

### **§66265.714. Recordkeeping and Reporting at Interim Status Facilities.**

(a) Unless the owner or operator provides monitoring that satisfies the requirements of section 66265.713(d), the owner or operator shall report monitoring information to the Department at least annually, including the concentrations or values of the parameters in accordance with section 66265.712 for each sampling station.

(b) If the owner or operator provides monitoring that satisfies the requirements of section 66265.713(d), the owner or operator shall:

(1) keep records of the analyses and evaluations specified in the plan, which satisfies the requirements of section 66265.713(c), throughout the active life of the facility and, for disposal facilities, throughout the post-closure care period as well;

(2) annually, until final closure of the facility, submit to the Department a report containing the results of the environmental quality assessment program which includes, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in soil, soil-pore gas, and in air during the reporting

period. This report shall be submitted as part of the annual report required under section 66265.75.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Sections 25150(a), 25159, 25159.5 and 25245, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).